

Robert A. Mittelstaedt (SBN 060359)
Jason McDonell (SBN 115084)
Elaine Wallace (SBN 197882)
JONES DAY
555 California Street, 26th Floor
San Francisco, CA 94104
Telephone: (415) 626-3939
Facsimile: (415) 875-5700
ramittelstaedt@jonesday.com
jmcdonell@jonesday.com
ewallace@jonesday.com

Tharan Gregory Lanier (SBN 138784)
Jane L. Froyd (SBN 220776)
JONES DAY
1755 Embarcadero Road
Palo Alto, CA 94303
Telephone: (650) 739-3939
Facsimile: (650) 739-3900
tglanier@jonesday.com
jfroyd@jonesday.com

Scott W. Cowan (Admitted *Pro Hac Vice*)
Joshua L. Fuchs (Admitted *Pro Hac Vice*)
JONES DAY
717 Texas, Suite 3300
Houston, TX 77002
Telephone: (832) 239-3939
Facsimile: (832) 239-3600
swcowan@jonesday.com
jlfuchs@jonesday.com

Attorneys for Defendants
SAP AG, SAP AMERICA, INC., and
TOMORROWNOW, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

ORACLE USA, INC., et al.,
Plaintiffs,
v.
SAP AG, et al.,
Defendants.

Case No. 07-CV-1658 PJH (EDL)

**[REVISED PROPOSED] ORDER
GRANTING DEFENDANTS' MOTION
FOR STAY OF EXECUTION OF
JUDGMENT THROUGH APPEAL AND
APPROVAL OF PROPOSED
SECURITY PURSUANT TO FRCP 62**

1 Having considered the papers filed by the parties in connection with Defendants' Motion
2 for Stay of Execution of Judgment Through Appeal and Approval of Proposed Security Pursuant
3 to FRCP 62 (ECF No. 1051):

4 IT IS HEREBY ORDERED THAT: Defendants' motion is GRANTED. Execution of
5 final judgment is stayed pending disposition of post-judgment motions and, if necessary, appeal.
6 Defendants are ORDERED to obtain and move the Court for approval of a supersedeas bond in
7 the amount of \$1,325,033,547.00 within 21 days after this order is entered. Oracle's request that
8 the Court instruct the bonding company to provide a quarterly report to the parties and increase
9 the bond amount as needed to cover post-judgment interest accrued in the future is DENIED.

10
11
12
13 DATED: _____

By: _____

Hon. Phyllis J. Hamilton